

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

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| PAUL LEROY WICKHAM, et al., | § | |
| Plaintiffs, | § | |
| | § | |
| v. | § | |
| | § | CASE NO. 6:19-cv-241-JDK-KNM |
| UNITED STATES OF AMERICA, et | § | |
| al., | § | |
| Defendants. | § | |
| | § | |
| | § | |

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On June 21, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 4), recommending that this action be dismissed with prejudice for failure to state a claim on which relief may be granted. The Clerk sent the Report and Recommendation to the plaintiffs by certified mail. They were returned to the Court with the notation “Return to Sender, Unclaimed, Unable to Forward” (Docket Nos. 5 & 6). No written objections have been filed.


This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to

file objections from ten to fourteen days). Here, Plaintiff did not file objections. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and her conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that the standard of review is "clearly erroneous, abuse of discretion and contrary to law" if no objections to a Magistrate Judge's Report are filed).

Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Therefore, the Court adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 4) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 4) be **ADOPTED** and that the above-styled civil action be **DISMISSED WITH PREJUDICE** for failure to comply with a court order and failure to prosecute. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this 17th day of **July, 2019**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE